

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

OCT 13 1999

PATRICK FISHER
Clerk

BOLA AJIWOJU,

Plaintiff-Appellant,

v.

JAMES KUNCE,

Defendant-Appellee.

No. 99-3213

(D.C. No. CV-98-2315-KHV)
(D. Kan.)

ORDER AND JUDGMENT*

Before **SEYMOUR**, Chief Judge, **BALDOCK**, and **HENRY**, Circuit Judges.**

Plaintiff Bola Ajiwoju appeals the district court's granting of summary judgment for Defendant James Kunce. On appeal, Plaintiff claims that the district court did not fully consider his malpractice and misrepresentation claims against Defendant. Defendant represented Plaintiff in his discrimination and retaliation

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

** After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a)(2)(c); 10th Cir. R. 34.1(G). This case is therefore ordered submitted without oral argument.

suit against his former employer, the Housing Authority of Kansas City, Kansas. Defendant voluntarily dismissed the suit from federal district court; the state district court granted summary judgment for the Housing Authority. Plaintiff claims that Defendant's alleged ties to the state district court judge and the Housing Authority created a conflict of interest and caused Defendant to breach his duty of confidentiality to Plaintiff. In the malpractice and misrepresentation action, Plaintiff failed to respond to Defendant's requests for admissions and failed to adequately respond to Defendant's motion for summary judgment. Accordingly, the district court granted Defendant's motion for summary judgment.

We have thoroughly reviewed the parties' briefs, the district court's orders, and the entire record before us. We affirm substantially for the reasons stated in the district court's Memorandum and Order dated June 16, 1999. Plaintiff's motion to set aside the district court's judgment under Fed. R. Civ. P. 60(b) is DENIED as moot. The decision of the district court is

AFFIRMED.

Entered for the Court,

Bobby R. Baldock
Circuit Judge